

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

IN RE: Gaines Gordon Farmer and
Catherine Renee Farmer,
Debtors.

CASE NO. 20-40726-TJT
Chapter 13
Judge Thomas J. Tucker

ORDER DECLINING CREDITOR'S REQUEST TO LIFT STAY

Based on an affidavit of default filed on September 20, 2023 (Docket # 60), followed by an affidavit of non-compliance filed on October 16, 2023 (Docket # 66), the secured creditor, Regional Acceptance Corporation (the "Creditor"), seeks an order lifting the stay, to give the Creditor the right to "immediately repossess the [Debtor's] 2019 Kia Soul (VIN KNDJN2A24K7691061)."

The Court must deny the requested relief, however, because the Creditor's assertion of default by the Debtor is inconsistent with the findings and the relief included in the October 11, 2023 discharge order entered in this case (Docket # 62). Moreover, the Creditor failed to timely file an objection to the Chapter 13 Trustee's notice filed September 13, 2023, entitled "Trustee's Notice of Final Cure Payment and Trustee's Notice of Completion of Plan Payments; Notice to Creditors of Obligation to File a Response and Right to Object; and Notice to Debtor of Obligation to File Debtor's Certification " (Docket # 57), as required by L.B.R. 2015-3(a)(5).

Accordingly,

IT IS ORDERED that the Creditor's request for an order lifting stay (Docket # 66) is denied.

Signed on October 17, 2023



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge